HIGH COURT OF UTTARANCHAL AT-NAINITAL

Civil Misc. Application No. 903 of 2005
In
Contempt Petition No. 313 of 2004

Lalit Pant,
S/o Sri G.N. Pant,
R/o 47/1, Vivek Vihar,
Ballupur,
Dehradun. **....Petitioner**.

V e r s u s

1. Prag Gupta, Registrar, Cooperative Societies, Uttaranchal, Dehradun.

2. J.C. Mukota, Additional Registrar, Cooperative Societies, Uttaranchal, Almora Camp at Dehradun.

....Respondents.

Sri Rajendra Dobhal, learned counsel for the petitioner.
Learned Standing counsel for the respondent.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Rajendra Dobhal, learned counsel for the petitioner/applicant and learned standing counsel, who has appeared on behalf of respondents no. 1 and 2.

Writ petition no. 965 (MB) of 2004 was filed by the petitioner for issuance of a direction to respondents to conduct an audit of the account of Yamuna Valley Engineers Employees Cooperative, Housing Society Limited, Dak Pathar, Dehradun (hereinafter referred to as Society).

Division Bench of this court on 30.09.2004 dispose of the aforesaid writ petition. The court held as under:

“ Learned Government pleader says that the Registrar has already passed orders to get the audit done of the concerned society which was once de-registered and thereafter, rejuvenated. The prayer is only for the said audit. On the basis of the statement made by the learned Government pleader the writ petition is disposed of.”

The applicant has filed the present contempt petition with a prayer to punish the respondents for non-compliance of the order dated 30.09.2004 passed by this court in writ petition no. 965 (MB) of 2004. On 14.12.2004, this court directed the respondents to file response within a period of four weeks. The respondents have filed a short counter affidavit in pursuance of the order passed by this court.

Registrar, Cooperative Societies, Uttaranchal, Dehradun wrote a letter to District Accounts Audit Officer on 14.10.2004 and in pursuance to this letter the District Account Audit Officer on 25.10.2004 appointed one Sri Krishna Mohan Bahuguna for conducting audit of account of the Society. In para 8 of the short counter affidavit, respondents have submitted that a committee was constituted on 04.01.2005 for conducting the audit and the audit has been completed on 10.01.2005. A copy of the Audit report has also been annexed as Annexure No. SCA 1 to the short counter affidavit.

There was no direction of this court to the respondents, which could be said that the same has not been complied by the respondents. In any case, the grievance of the petitioner, the audit of

The society, has been conducted. Now, respondents have filed audit report along with the short counter affidavit.

The contention of the petitioner/applicant is that the audit conducted by the committee was false one as the committee appointed for audit had not received any relevant document.

If the petitioner is aggrieved with the audit report he can challenge the same before appropriate forum.

I don't find any substance in the argument of learned counsel for the petitioner that the respondents have committed contempt of court by not complying the order dated 30.09.2004 passed in writ petition no. 965 (MB) of 2004.

The contempt petition is dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

March 18, 2005
S.K. Sharma